

The ALJ found claimant failed to prove permanent impairment resulted from any one of the four work-related accidents claimant suffered. On appeal, claimant asks for review of the finding on compensability. If the Board finds claimant's injury is compensable, claimant asks for findings on the nature and extent of claimant's disability and findings on claimant's entitlement to unauthorized and future medical expenses.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

After reviewing the record and considering the arguments, the Appeals Board concludes the Award should be affirmed with one proviso. The Board awards the medical expenses that the parties stipulated were paid.

On September 7, 1995, claimant, a certified nurse's assistant, suffered a needle stick to her right ring finger while disposing of the needle in the course of her employment for respondent. According to claimant, she immediately began having numbness and tingling on the inside of her right hand up to her elbow with a lot of pain on a daily basis. Claimant also testified to three subsequent incidents when a patient kicked or hit her right arm and/or elbow.

Claimant was ultimately treated by Dr. George L. Lucas who performed surgery to transpose the ulnar nerve. Dr. Lucas testified that neither the needle stick nor any of the other incidents claimant described were the cause of the condition, ulnar nerve compression, he found. Dr. Daniel D. Zimmerman, who examined claimant at the request of claimant's counsel, suggested as the cause the needle stick combined with subsequent repetitive activity.

The Board finds, as did the ALJ, the opinion of Dr. Lucas as to causation is more probable. The claimant testified the subsequent incidents did not change the symptoms she experienced, and the Board concludes the needle stick did not cause the ulnar nerve compression.

The Board does, however, find that medical expenses paid for the needle stick, primarily to rule out various possible medical consequences from the needle stick, were properly paid for by respondent and its then insurance carrier, Wausau Insurance Company. At the regular hearing, and again at the hearing before the Board, the parties stipulated that the total amount of these expenses was \$4,898.12, and the Board awards those expenses in this case. There was no question, and respondent stipulated, that the needle stick injury arose out of and in the course of employment.

**AWARD**

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the Award entered by Administrative Law Judge John D. Clark on August 14, 1998, should be, and the same is hereby, modified.

The Board affirms the finding that claimant has not proven permanent injury arising out of and in the course of employment. The Board concludes claimant suffered a temporary injury on September 7, 1995, for which she is entitled to the medical expenses previously paid for this injury in the total amount of \$4,898.12.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of February 1999.

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BOARD MEMBER

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BOARD MEMBER

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BOARD MEMBER

c: Randy S. Stalcup, Wichita, KS  
Scott J. Mann, Hutchinson, KS  
Douglas C. Hobbs, Wichita, KS  
John D. Clark, Administrative Law Judge  
Philip S. Harness, Director